

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Harry P. Leffman

Respondent

Civil Citation No. 77515

407 Murdock Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 18, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1)(4)(5), failure to scrape and paint, failure to repair chimney on residential property zoned DR 10.5 known as 407 Murdock Road, 21212.

On July 26, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The following persons appeared for the Hearing and testified: Harry P. Leffman, Respondent, Larry Fogelson, neighbor and, Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 11, 2010 for removal of trash and debris, remove plastic, wood, AC unit, windows, screens, carrier, trimmers and cleanup rear yard; repair metal/wood surfaces, scrape and paint all peeling and flaking paint on house. This Citation was issued on July 26, 2010, for failure to scrape and paint peeling paint, and failure to repair chimney.

B. Inspector Jeff Radcliffe testified that Respondent complied with the Correction Notice and removed some junk and debris, and organized remaining items in his yard. He further testified that the house has peeling paint on the areas that are not brick, and that re-inspection the day before this Hearing found painters at the property working on the peeling areas. He further testified that there is also a need to repair the chimney.

C. Larry Fogelson, from 401 Murdock Road, testified that this property has a long history of code violations and that the amount of junk and debris ebbs and flows, and further testified that the chimney is currently a safety hazard. He testified that bricks and pieces of brick are falling into neighboring yards and that Respondent has not had the chimney repaired.

D. Photographs in the file show the top of the brick chimney has missing and crooked bricks. Photographs show peeling paint and bare wood on the painted areas of the house. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all "[e]xposed surfaces of metal or wood in good repair, in a structurally sound condition, and protected against decay, rust, peeling, or flaking." BCC Section 35-5-302. All painted surfaces must be scraped and painted, and the chimney must be repaired. This Citation will be enforced.

E. Respondent Harry Leffman testified that he has hired painters to do the needed painting work, and that they have started the job. He testified that he has signed a contract with Hayes Construction, a licensed contractor, to rebuild the chimney, and that the contractor has told him the work will start the week of August 23, 2010, weather permitting. Because compliance is the goal of code enforcement, and Respondent is making good progress to make the needed repairs, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by September 15, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 20th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.